IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 927 of 2002

DATE OF DECISION : 23.10.2006

Inderjit Bali and others

.... PETITIONERS

Versus

Ram Sarup

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Hemant Saini, Advocate,
for the petitioners.

Mr. J.B.S. Gill, Advocate,
for the respondent.

* * *

The petitioners, who are complainants in case FIR No. 108 of 1989 under Section 406 IPC, registered at Police Station `A' Division, Amritsar, have filed this revision petition against the judgment dated 25.7.2001, passed by Additional Sessions Judge, Amritsar, whereby on appeal filed by the respondent he has been acquitted of the charge framed against him.

2. The respondent was tried and vide judgment and order dated 3.7.1997, he was convicted and sentenced to undergo R.I. for two years and to pay a fine of Rs. 1000/-, in default to further undergo SI for three months under Section 406 and to undergo R.I. for two years under Section 295 IPC in the aforesaid case. Feeling dis-satisfied with his conviction, the respondent filed appeal, which has been accepted and he has been acquitted of the charge. Hence, this revision petition has been filed by the petitioners.

3. I have heard counsel for the parties and perused the impugned judgment as well as the judgment passed by the trial court.

4. In paras 10 to 13 of the impugned judgment, the appellate court has discussed the entire evidence led by the prosecution and thereafter has come to the conclusion that the prosecution has failed to prove the entrustment of gold ornaments and Chhattar to the respondent who was

Pujari of the temple. It has been further held that not only the prosecution has failed to prove the entrustment but has also not proved when those gold ornaments were mis-appropriated by the respondent. Therefore, it has been held that the prosecution has failed to prove charge under Section 406 IPC. The appellate court, after taking into consideration the statements of the various witnesses, has also come to the conclusion that the court has taken cognizance of the aforesaid offence after the expiry of the limitation period. On these counts, the judgment of the trial court has been set aside and the respondent has been acquitted.

5. After hearing the arguments of counsel for the parties, I do not find any illegality or infirmity in the impugned judgment. From the evidence available on record, in my opinion, no second view is possible. No ground for interference in the impugned judgment is made out.

6. Dismissed.

October 23, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**